REMARKS

The Office Action dated April 7, 2005 is a Final rejection of claims 1-16 (all the pending claims) in the subject application.

Applicants thank the Examiner for the courtesy extended in conducting an Examiner Interview on June 8, 2005 (the second Examiner Interview on this application). In that telephonic interview, possible claim amendments were discussed and the Buer reference was again discussed. The Examiner confirmed that he still agrees that Buer does not teach "monitoring, at the transmitter unit, a direct current component of an input signal applied to the power amplifier of the transmitter unit to determine when the direct current component of the input signal applied to the power amplifier exhibits a predetermined characteristic." *See, Examiner's summary of the first telephonic interview.* (emphasis added)

The Examiner clarified that the primary basis for the continued rejection is the broadness of the "predetermined characteristic" language of the claims. Thus, Applicants have amended the independent claims relative to the "predetermined characteristic" language, and per the discussions with the Examiner.

Although Applicants continue to assert that the application is allowable on other grounds, in the interest of expediting prosecution of this application, independent claims 1, 7, 11, 14, and 16 have been respectively amended to include:

- "... wherein said predetermined characteristic is exhibited when, in a graph of input power compared to said direct current component, said direct current component begins to plateau"
- "... wherein said predetermined threshold is approximately the point where the monitored direct current begins to plateau when the input power is increased"
- "... wherein said predetermined threshold is approximately the point where the monitored direct current approaches a plateau as the input power is increased to the power amplifier"

- "... when the direct current exhibits the predetermined characteristic which comprises the direct current component approaching a plateau as the input power is increased to the power amplifier"
- "... wherein said predetermined characteristic comprises a significant reduction in the amount of increase of the direct current component as the input power is increased to the power amplifier".

These amendments are fully supported by the specification as filed in paragraphs 7, 17, and 18, as well as Figure 4. Thus, Applicants request that the claims, as currently amended, be allowed and the application passed on to issuance.

Detailed Response to Office Action

Although, based on this latest Examiner Interview, it is Applicants understanding that the above amendments address the Examiner's rejections of the claims in the April 7, 2005 Office Action, Applicants briefly respond to the rejections as set forth in that Office Action for completeness.

Rejections under 35 U.S.C. §102

Claims 11-13 stand rejected under 35 U.S.C. §102(e) as being anticipated by US 2002/0132580 A1 ("Buer"). In light of the Examiner's agreement that Buer does not teach "monitoring, at the transmitter unit, a direct current component of an input signal applied to the power amplifier of the transmitter unit to determine when the direct current component of the input signal applied to the power amplifier exhibits a predetermined characteristic", in the Office Action the Examiner creates a great deal of confusion by asserting that Buer discloses "means for monitoring, in the transmitter unit, ..." *See Office Action, page 2, paragraph 3.*

Applicants state that Buer does not teach "means for monitoring, in the transmitter unit, an amount of current into the power amplifier of the transmitter unit" as recited in amended claim 11. In fact, Buer teaches away from current monitoring in the transmitter unit, and instead teaches monitoring in the Indoor Unit. Various claim amendments to the independent claims

have been made to emphasize the distinction between the transmitter unit and the modem unit (which the Examiner compares to the ODU and IDU of Buer, respectively) and to emphasize that the current monitoring recited in the present application occurs in the transmitter unit, not the modem unit. For these reasons, claim 11 is not anticipated by Buer.

The Examiner's remaining comments with respect to claim 11 are not well understood[1], but based upon the telephonic Examiner interview, it is Applicants' understanding that these comments are related to the above discussed claim amendments further defining "predetermined threshold." Therefore, it is believed that the Examiner's concerns have been fully addressed.

Claims 12 and 13 variously depend from independent claim 11 and are therefore differentiated from the cited reference for at least the same reasons as set forth above for differentiating independent claim 11, as well as in view of their own respective features.

Rejections under 35 U.S.C. §103

Claims 1-6 and 16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Buer in view of U.S. Patent No. 5,426,395 ("Cygan"). With respect to claim 1, the Examiner again asserts that Buer teaches "monitoring, at the transmitter unit, a direct current component of an input signal applied to the power amplifier of the transmitter unit". With respect to claim 16, the Examiner again asserts that Buer discloses "monitoring, within the transmitter unit, a direct current into the power amplifier." Applicants respectfully traverse the rejection.

Applicants again assert that Buer does not disclose monitoring, at the transmitter unit and Applicants note that the Examiner has agreed twice that this assertion is true. The Examiner's parenthetical remarks (on pages 4 and 7 of the Office Action) again are not understood by the Applicants, particularly in light of page 5 and 7 of the Office Action, where the Examiner states that "**Buer does not teach monitoring, at the transmitter unit, ...**" and "**Buer does not teach monitoring, within the transmitter unit....**" (emphasis added).

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[1] See Parenthetical on page 2-3 of the Office Action, which is repeated verbatim on pages 4, 7, 8, 10, and 12. *These comments are confusing because they do not specifically point out by reference number those elements Examiner believes are taught in Buer that allegedly show a device that performs current monitoring in the transmitter unit.*

If the Office Action is stating that although Buer does not teach "monitoring, at the transmitter unit ..." that Cygan does teach that missing element, Applicants respectfully disagree.

Applicants note that Cygan only teaches a feedback loop in a transmitter/receiver that is built as a single unit. Cygan does not teach separate units, such as Indoor Units and Outdoor Units. Cygan also does not teach how the invention of Cygan would be applied to IDU's or ODU's. Thus, there is no motivation to combine Cygan with Buer, and no teaching of how Cygan would be combined with Buer.

However, even if Cygan were combined with Buer, the combination would just be a feedback loop in one of the two units. The combination would not disclose, "monitoring, at the transmitter unit, a direct current component of an input signal applied to the power amplifier of the transmitter unit" as recited in claim 1. The combination also would not disclose, "monitoring, within the transmitter unit, a direct current into the power amplifier to determine when the direct current exhibits a predetermined characteristic, communicating a signal from the transmitter unit to a power regulator that is not located in the transmitter unit, wherein the signal indicates whether the direct current exhibits a predetermined characteristic" as recited in claim 16. (emphasis added) This telemetry described in claim 16 makes no sense in the context of a single unit disclosed in Cygan, and Buer expressly teaches away from such telemetry.

Therefore, claim 1 and 16 are not anticipated by Buer alone or in combination with Cygan. Claims 2-6 variously depend from independent claim 1 and are therefore differentiated from the cited references for at least the same reasons as set forth above for differentiating independent claim 1, as well as in view of their own respective features.

Claims 7-10 stand rejected under 35 U.S. C. §103(a) as being unpatentable over Buer in view of U.S. Patent No. 4,578,633 ("Aoki"). Applicants respectfully traverse the rejection. Again, the Examiner asserts that Buer discloses "a current monitor, in the transmitter unit, for ..." However, Applicant notes that the Examiner has twice confirmed exactly the opposite. Clearly, Buer does not disclose "a current monitor, **in the transmitter unit**, for monitoring a

level of a direct current provided by a DC current regulator to the power amplifier of the transmitter unit" as recited in amended claim 7. (emphasis added).

Aoki does not disclose RF transceivers, and there is no motivation to combine the Buer reference with the Aoki reference. A proper showing of motivation to combine should be demonstrated by reference to the two documents themselves and particularly point out a teaching in one document that suggests looking to the other document. It is not sufficient to use Applicants' specification as a roadmap and then assert that it would be obvious to combine a missing element (current regulator) claimed in that application by looking for a reference that has that missing element.

Thus, claim 7 is allowable for the above reasons. Claims 8-10 variously depend from independent claim 7 and are therefore differentiated from the cited references for at least the same reasons as set forth above for differentiating independent claim 7, as well as in view of their own respective features.

Claims 14 and 15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Buer in view of Aoki, and in further view of U.S. Patent No. 6,298,244 ("Boesch"). The Examiner here again incorrectly states that Buer discloses "a current monitor, provided within the transmitter unit, …." Applicants respectfully traverse the rejections.

Applicants assert, and the Examiner has agreed that Buer does not disclose, "a current monitor, provided within the transmitter unit, for monitoring a characteristic of the DC current provided by a regulator to the final stage of the power amplifier circuit; a comparator circuit coupled to the current…; and a telemetry circuit coupled to the comparator circuit and configured to provide a signal to a power regulator circuit that is not located in the transmitter unit," as recited in independent claim 14 (emphasis added).

Furthermore, the Examiner appears to recognize that Buer teaches away from this telemetry circuit. *See Office action, page 11.* Although there is no motivation to combine buer,

Aoki and Boesch, even if these references were combined Buer, Aoki, and Boesch do not teach "a current monitor, provided within the transmitter unit."

Thus, claim 14 is not anticipated by Buer alone of in combination with Aoki and Boesch. Claim 15 depends from independent claim 14 and is therefore differentiated from the cited references for at least the same reasons as set forth above for differentiating independent claim 14, as well as in view of its own respective features.

Applicants request that the claims be allowed and the application passed on to issuance. The Examiner is invited to telephone the undersigned at (602) 382-6367 at the Examiner's convenience, if that would help further prosecution of the subject Application. Applicants authorize and respectfully request that any fees due be charged to Deposit Account No. 19-2814. **This statement does NOT authorize charge of the issue fee.**

Respectfully submitted,

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By: _____
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